

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-9-3 as follows:

6 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)
7 Sec. 5-9-3. Default.

8 (a) An offender who defaults in the payment of a fine or
9 any installment of that fine may be held in contempt and
10 imprisoned for nonpayment. The court may issue a summons for
11 his appearance or a warrant of arrest.

12 (b) Unless the offender shows that his default was not due
13 to his intentional refusal to pay, or not due to a failure on
14 his part to make a good faith effort to pay, the court may
15 order the offender imprisoned for a term not to exceed 6 months
16 if the fine was for a felony, or 30 days if the fine was for a
17 misdemeanor, a petty offense or a business offense. Payment of
18 the fine at any time will entitle the offender to be released,
19 but imprisonment under this Section shall not satisfy the
20 payment of the fine.

21 (c) If it appears that the default in the payment of a fine
22 is not intentional under paragraph (b) of this Section, the
23 court may enter an order allowing the offender additional time

1 for payment, reducing the amount of the fine or of each
2 installment, or revoking the fine or the unpaid portion.

3 (d) When a fine is imposed on a corporation or
4 unincorporated organization or association, it is the duty of
5 the person or persons authorized to make disbursement of
6 assets, and their superiors, to pay the fine from assets of the
7 corporation or unincorporated organization or association. The
8 failure of such persons to do so shall render them subject to
9 proceedings under paragraphs (a) and (b) of this Section.

10 (e) A default in the payment of a fine, fee, cost,
11 restitution, or judgment of bond forfeiture or any installment
12 may be collected by any and all means authorized for the
13 collection of money judgments. The State's Attorney of the
14 county in which the fine, fee, cost, restitution, or judgment
15 of bond forfeiture was imposed may retain attorneys and private
16 collection agents for the purpose of collecting any default in
17 payment of any fine, fee, cost, restitution, or judgment of
18 bond forfeiture or installment of that fine, fee, cost,
19 restitution, or judgment of bond forfeiture. An additional fee
20 of 30% of the delinquent amount is to be charged to the
21 offender for any amount of the fine, fee, cost, restitution, or
22 judgment of bond forfeiture or installment of the fine, fee,
23 cost, restitution, or judgment of bond forfeiture that remains
24 unpaid after the time fixed for payment of the fine, fee, cost,
25 restitution, or judgment of bond forfeiture by the court. The
26 additional fee shall be payable to the State's Attorney in

1 order to compensate the State's Attorney for costs incurred in
2 collecting the delinquent amount. The State's Attorney may
3 enter into agreements assigning any portion of the fee to the
4 retained attorneys or the private collection agent retained by
5 the State's Attorney. Any agreement between the State's
6 Attorney and the retained attorneys or collection agents shall
7 require the approval of the Circuit Clerk of that county. A
8 default in payment of a fine, fee, cost, restitution, or
9 judgment of bond forfeiture shall draw interest at the rate of
10 9% per annum. The fees and costs incurred by the State's
11 Attorney in any such collection and the fees and charges of
12 attorneys and private collection agents retained by the State's
13 Attorney for those purposes shall be charged to the offender.

14 (Source: P.A. 93-693, eff. 1-1-05.)